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09/932,629	08/17/2001	Howard Lee		6309

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12/14/2001

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EXAMINER

DANGANAN, JONI BALDOS

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 12/14/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/932,629

Applicant(s)  
Howard Lee

Examiner  
Joni Danganan

Art Unit  
3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Specification***

2. The disclosure is objected to because of the following informalities:

(a) page 3, line 5, delete "allowing"; and

(b) page 12, lines 1-2 and line 10 recite alternate embodiments wherein "the shaft of the system is a kit" -- how can a single shaft be a kit?

Appropriate correction is required.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4 and 6 recite "the shaft is a kit with a plurality of shafts." This appears to be inaccurate/misdescriptive. How can a single shaft also be a "plurality of shafts"?

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Podolsky 3,463,209.

8. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Parsons 3,888,144.

9. Claims 2 and 5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hanson 4,436,005.

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*Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Podolsky 3,463,209 or Parsons 3,888,144.

Podolsky and Parsons each show all the elements of the claim as set forth in the rejection of Claim 2 except for specifically disclosing a plurality of shafts with different sized working portions. It is known in the art to provide drivers/bits in various sizes in the form of a tool kit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Podolsky or Parsons to include a plurality of different sized shafts in order to utilize the tool with various sized fasteners.

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson 4,436,005.

Hanson shows all the elements of the claim as set forth in the rejection of Claim 2 except for specifically disclosing a plurality of shafts with different sized working portions. It is known in the art to provide drivers/bits in various sizes in the form of a tool kit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Hanson to include a plurality of different sized shafts in order to utilize the tool with various sized fasteners.

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*Allowable Subject Matter*

13. Claim 1 is allowed.

*Conclusion*

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Figs. 9 and 12 of Stellin 2,397,216 show a fastener similar to the disclosed invention.

Robertson 975,285 discloses a screwdriver system similar to the claimed invention.

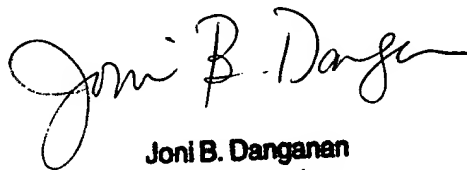
Habermehl et al. 5,351,586 discloses a driver bit in the related art.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joni Danganan whose telephone number is (703) 305-5930.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

jbd

December 11, 2001



**Joni B. Danganan**  
**Patent Examiner**